
Imprinted at Edinburgh by
Robert Young, Printer to
the Kings most excel-
lent Majestie.

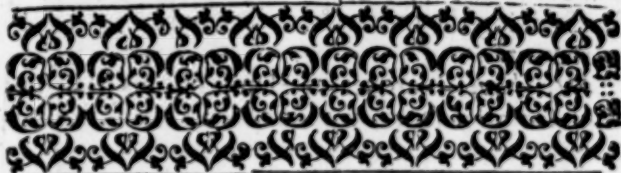
CUM PRIVILEGIO.

Anno 1638.

Printed by
Robert Young, Printer to
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St. James's Palace.

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Hereas some have given out that by the Act of Counsell, which explaineth the Confession of Faith lately commanded to be sworn by his Majestie, to be understood of the Confession of Faith, as it was then professed and received, when it was made,

and that in that Confession, defence both of the doctrine and discipline then established is sworn, at which time episcopall government being (as they say) abolished, it must needs follow, that the same government is by this late oath abjured.

And understanding that even amongst those who continue together still at Glasgowe, under the name of a pretended and unlawfull generall assembly, this objection is held to be of some moment, and used by them to the great disturbance of the peace of this church and kingdome, and to the great disquieting of the mindes of such his Majesties good subjects as have taken the said oath, and yet never meant nor do mean to abjure episcopall government; And to perswade others, that if they shall take the

same oath thus explained by the said Act of Council, by so doing they must likewise abjure the said government.

We *James* Marques of Hamilton, his Majesties high Commissioner, wondring that any such scrupulous misconstruction should be made of his Majesties gracious and pious intentions, and being desirous to remove all doubts from the minds of his Majesties good subjects, and to keep them from being poisoned by such as by forced and forged inferences would make them beleeve, that they had actually by taking that oath sworn that which neither virtually nor verely they have sworn, or ever intended to swear, or was required by authoritie to be sworn by them, either directly or indirectly: Considering that all oathes must be taken according to the minde, intention, and commandement of that authoritie, which exacteth the oath; and that we, by speciall commandment from his sacred Majestie, commanded the said oath to be administred, we do hereby freely and ingenuously professe and declare our minde and meaning herein, as we have constantly heretofore done since our coming into this kingdome about this employment; *viz.* That by any such words or act of councill we never meant or intended that episcopall government should be abjured, nor any thing else which was established by acts of parliament, or acts of the church of this kingdome, which are now in force, and were so at the time of the taking of the said oath.

Nor indeed could we have any other intention or meaning, being clearly warranted and expressly commanded.

manded by his Majesties instructions, to exa^m the said oath, and take order that it should be sworn throughout the kingdome in that faire and lawfull sense, and none other. Neither in this point did we deliver our own words, or his Majesties minde ambiguously or doubtfully, so as any other sense, to our thinking, could be picked or wrung out of either the one or the other; for we do attest the Lords of the Councell, whether we did not to many, or all of them upon severall occasions in conference with them ever since our coming into this kingdome, constantly declare unto them, that his Majesties resolution was not to suffer episcopall government to be abolished. We attest all the Lords of Session, whether before our tendering of that oath to them, or their Lordships taking of it, we did not fully and freely declare to them, that his Majesties minde in commanding us to see this oath taken, and our own minde in requiring them to take it, was only to settle and secure the religion and faith professed in this kingdome, but was not to be extended to the abjuring of episcopall government, or any other thing now in force by the laws of this church and state at the time of administering this oath, which their Lordships, being the reverend and learned judges of the lawes, knew well could not be abjured; after which perspicuous predeclaration of our minde, their Lordships undoubtedly in that same sense and none other took the said oath.

And now, good Reader, having heard his Majesties minde and intention, and in pursuance of them the minde of his Majesties high Commissioner concerning this oath, the reasons to repell the former objection

seem to be needlesse (the known minde of the supreme Magistrate who urgeth an oath, being to be taken for the undoubted sence of it) yet forasmuch as that objection hath of late been mainly urged for alienating the mindes of many of his Majesties good subjects, and well affected to that government, from adhering unto it, be pleased to know, that the former objection hath neither show nor force of reason in it; and that by the said oath and that explanation set down in the act of councell, episcopall government neither was nor possibly could be abjured, and that for many reasons, but especially these five, which we having seen and approved, have caused to be here inserted, and leave them to thine impartiall consideration.

- I. First, God forbid it should be imagined that his Majestie should command his subjects to take an oath which in it self is absolutely unlawfull: But for a man to swear against a thing which is established by the laws of church and kingdome in which he liveth (unlesse that thing be repugnant to the law of God) is absolutely unlawfull, untill such time as that kingdome and church do first repeal these laws: And therefore episcopall government not being repugnant to the law of God, nay being consonant unto it, as being of apostolicall institution (which shall be demonstrated if any man please to argue it) and standing fully established, both by acts of parliament, and acts of generall assembly at the time when this oath was administred; to abjure it before these acts be repealed, is absolutely unlawfull, and against the word of God: and it is to be hoped no man will conceive that his Majestie meaned to command a thing absolutely

lutely unlawfull. And if it should be said, as it is said by some, (who not being able to avoyd the force of reason, do betake themselves to pitifull shifts and evasions) that these acts of parliament and assembly establishing episcopall government, were unlawfully and unduely obtained : certainly if they have any reasons for this their bold assertion, which is of a more dangerous consequence then that it ought to be endured in any well settled church or common-wealth ; these reasons may be presented lawfully to these judicatories to entreat them to reduce the saids acts, if there shall be strength and validitie found in them. But to hold, that untill such time as these judicatories shall repeal the saids laws, they either ought to be, or can possibly be abjured, is a wicked position, and destructive of the very foundation of justice both in church and common-wealth.

Secondly, it cannot be imagined that this oath should oblige the now takers of it farther then it did oblige the takers of it at first : for doctrine and points of faith it did oblige them then, and so doth it us now, perpetually, because these points in themselves are perpetuall, immutable, and eternall: But for points of discipline and government, and policie of the Church, that oath could binde the first takers of it no longer then that discipline and government should stand in force by the laws of this Church and Kingdome, which our Church in her positive confession of faith printed amongst the acts of Parliament, artic. 20. 21. declareth to be alterable at the will of the Church it self, and so repealable by succeeding acts, if the Church shall see cause. When a King at his coronation

ronation taketh an oath to rule according to the laws of his kingdome, or a judge at his admission sweareth to give judgement according to these laws, the meaning of their oaths cannot be that they shall rule or judge according to them longer then they continue to be laws: But if any of them shall come afterwards to be lawfully repealed, both king and judge are free from ruling and judging according to such of them as are thus lawfully repealed, notwithstanding their originall oath. Since therefore if the first takers of that oath were now alive, they could not be said to have abjured episcopal government, which hath been since established by laws of this church and kingdome, especially considering that this church in her confession, on holdeth church government to be alterable at the will of the church: certainly we repeating but their oath, cannot be said to abjure that government now, more then they could be said to do it if they were now alive and repeating the same oath.

3. Thirdly, how can it be thought that the very act of his Majesties commanding this oath should make episcopall government to be abjured by it, more then the covenanters requiring it of their associats, in both covenants the words and syllables of the confession of faith being the same? Now it is wel known that many were brought in to subscribe their covenant, by the solemn protestations of the contrivers and urgers of it, that they might subscribe it without abjuring of episcopacie, and other such things as were established by law, since the time that this oath was first invented and made; and the three Ministers in their first answers to the Aberdene Quæres have fully and clearly expressed

fed themselves to that sense, holding these things for the present not to be abjured, but only referred to the tryall of a free generall Assembly: and likewise the adherers to the last protestation against his Majesties proclamation, bearing date the 9. of September, in their ninth reason against the subscription urged by his Majestie, do plainly averre, that this oath urged by his Majestie doth oblige the takers of it, *to maintain Perth articles, and to maintain episcopacie.* Why therefore some men swearing the same words and syllables should have their words taken to another sense, and be thought to abjure episcopall government, more then others who have taken the same oath in the same words, must needs passe the capacity of an ordinarie understanding.

It is a received maxime, and *it cannot be denied, but that oaths ministred unto us must either be refused, or else taken according to the known minde, professed intention, and expresse command of authority urging the same:* A proposition, not only received in all schools, but positively set down by the adherers to the said protestation *totidem verbis* in the place above cited. But it is notoriously known even unto those who subscribed the confession of faith by his Majesties commandment, that his Majestie not only in his kingdomes of England and Ireland, is a maintainer and upholder of episcopall government according to the laws of the said Churches and Kingdomes, but that likewise he is a defender, and intends to continue a defender of the same government in his kingdome of Scotland, both before the time, and at the time when he urged this oath, as is evident by that which is in my Lord

B

Commissioner

4.

Commissioner his preface, both concerning his Majesties instructions to his Grace, and his Graces expressing his Majesties minde, both to the Lords of Council, and to the Lords of Session; and the same likewise is plainly expressed and acknowledged by the adherers to the said protestation in the place above cited: their words being these; *And it is most manifest that his Majesties minde, intention, and commandment, is no other but that the confession be sworn, for the maintenance of religion as it is already or presently professed (these two being co-incident altogether one and the same, not only in our common form of speaking, but in all his Majesties proclamations) and thus as it includeth, and continueth within the compasse thereof, the foresaid novations and episcopacy, which under that name were also ratified, in the first parliament holden by his Majesty.* From whence it is plaine, that episcopacie not being taken away or suspended by any of his Majesties declarations, as these other things were which they call novations, it must needs both in deed, and in the judgement of the said protesters no wayes be intended by his Majestie to be abjured by the said oath. Now both the *major* and that part of the *minor* which concerneth episcopall government in the Church of Scotland, being clearly acknowledged by the protesters, and the other part of the *minor* concerning that government in his other two kingdomes being notoriously known, not only to them, but to all others who know his Majestie, how it can be imagined that his Majesty by that oath should command episcopacie to be abjured, or how could any one to whom his Majesties minde concerning episcopall government was known,

known, honestly or safely abjure it, let it be left to the whole world to judge, especially considering that the protesters themselves in that place above cited, by a *dilemma*, which we leave to themselves to answer, have averred, that when that act of councell should come out, yet that it could not be inferred from thence that any such thing was abjured.

Fiftly and lastly, if the explanation in that act of councell be taken in that not only rigid but unreasonable and senselesse sense which they urge, yet they can never make it appear, that episcopall government at the first time of the administring of that oath was abolished: The very words of that confession of faith, immediatly after the beginning of it, being these, *Received, beleevved, defended by many and sundry notable Kirks and Realms, but chiefly by the Kirk of Scotland, the Kings Majestie and three Estates of this realme, as Gods eternall truth and only ground of our salvation, &c.* By which it is evident, that the subscription to this confession of faith is to be urged in no other sense then as it was then beleevved and received by the Kings Majestie, and the three Estates of this realme at that time in being; and it is well known, that at that time Bishops, Abbots and Priors made up a third estate of this realme, which gave approbation to this confession of faith: and therefore it is not to be conceived, that this third estate did then abjure episcopacie, or that episcopacie was at the first swearing of that confession abolished. But say that at that time it was abolished by acts of generall Assembly, yet was it not so by any act of Parliament, nay by many acts of Parliament it was in force, because none of them was repealed,

ed; some whereof are annexed in the sheet immediately after these reasons, which we pray the reader carefully to peruse and ponder: and at the very time of the taking of this oath and after, bishops, whose names are well known, were in being. Now it is to be hoped that in a Monarchy or any other well constituted republick, that damnable Jesuiticall position shall never take place, That what is once enacted by a Monarch and his three estates in Parliament, shall ever be held repealed or repealeable by any ecclesiasticall nationall Synod.

By all which it is evident, that the explanation of that act of councell so groundlesly urged, can induce no man to imagine that by the confession of faith lately sworn by his Majesties commandment, episcopall government, which then did, and yet doth stand established by acts of this Church and Kingdome, either was, or possibly could be abjured.

And having now (good Reader) heard his Majesties minde in his instructions to us, our minde in requiring in his Majesties name this oath to be taken, and these few reasons of many which do evidently evince the inconsequence of that sense which without any show of inference is put upon it by those, who would go on in making men still beleve, that all which they do or say is grounded upon authority, though they themselves do well know the contrary; we suppose that all they who have taken this oath will rest satisfied that they have not abjured episcopall government, and that they who shall take it, will take it in no other sense.

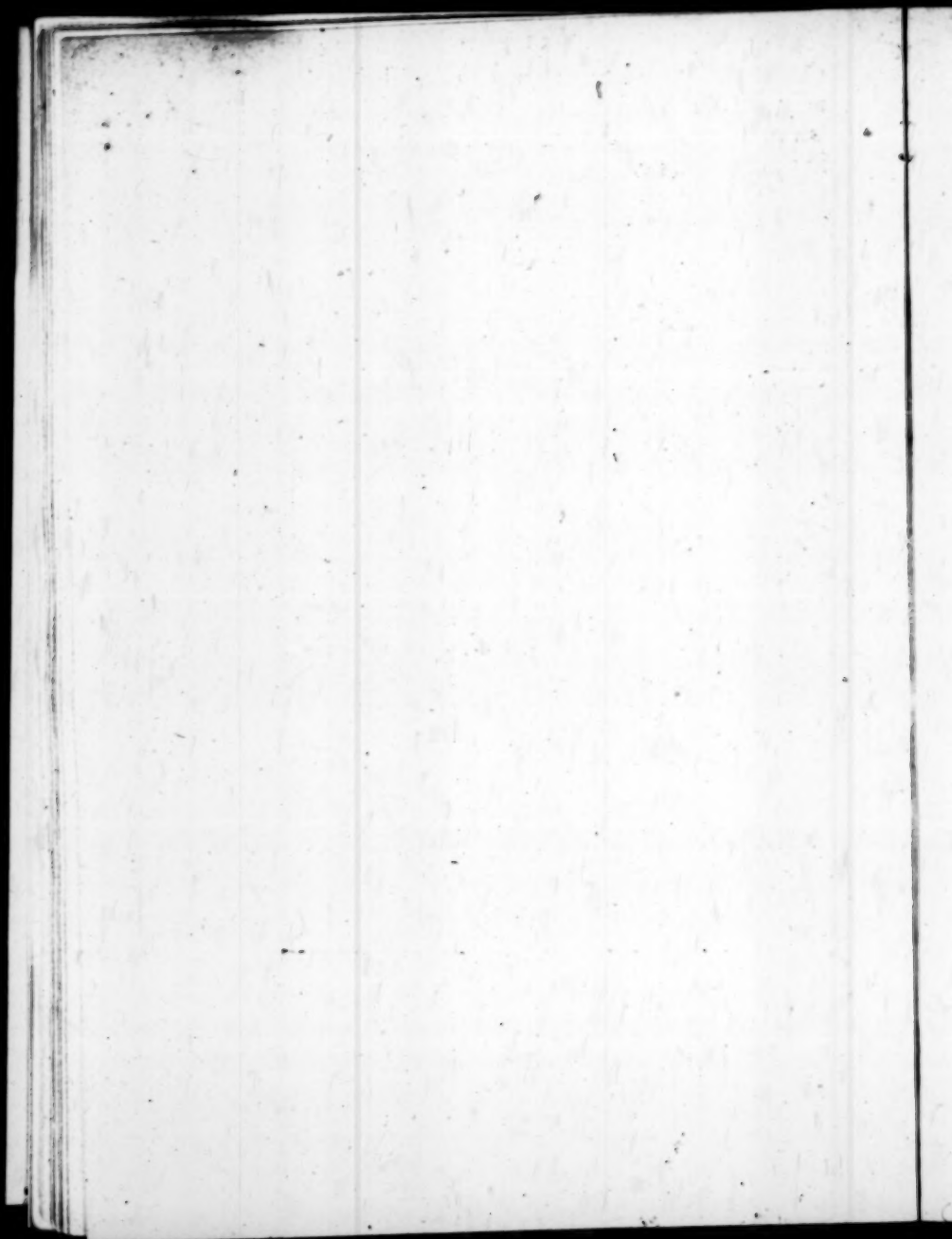
Which timely warning of ours, we are the more willing to give, because we are given to understand, that

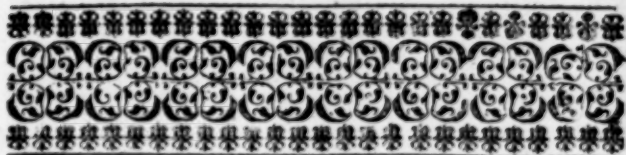
that even they who were wont to call the takers of this oath (notwithstanding of that explanation by act of councell) perjured and damned persons, and in their pulpits called the urging of it the depth of sathan, do now mean to take it themselves, and urge others to take it in that sense which they make men beleieve (though wrongfully) that act of councell makes advantageous to their ends.

But we do in his Majesties name require that none presume to take the said oath, unlesse they be required so to do by such as shall have lawfull authoritie from his Majestie to administer it unto them : being confident, that none either will or can take the said oath or any other oath in any sense, which may not consist with episcopall government, having his Majesties sense, and so the sense of all lawfull authority fully explained to them.

HAMMILTOUN.

8





That episcopall jurisdiction was in force by acts of parliament, and no wayes abolished nor suppressed in the year 1580. nor at the time of reformation of religion within the realm of Scotland, doth evidently appeare by the acts of parliament after mentioned.

First by the parliament 1567. cap.2. whereby at the time of reformation the Popes authoritie was abolished, it is enacted by the said act, *That no bishop, nor other prelate in this realme, use any jurisdiction in time coming by the bishop of Romes authority.* And by the third act of the same parliament, whereby it is declared, *That all acts not agreeing with Gods word, and contrary to the confession of faith approved by the estates in that parliament, to have no effect nor strength in time to come.* Whereby it is evident, that it was not the reformers intention to suppress episcopacie, but that bishops should not use any jurisdiction by the bishop of Rome his authoritie; and seeing they did allow episcopacie to continue in the church, that they did not esteeme the same contrary to Gods word and confession foresaid: as appeares more clearly by the sixth act of the said parliament, which is
ratified

ratified in the parliament 1579. cap. 68. whereby it is declared, *That the ministers of the blessed Evangel of Jesus Christ, whom God of his mercie hath now raised up amongst us, or hereafter shall raise, agreeing with them that now live in doctrine or administration of the sacraments, and the people of this realme that professe Christ as he is now offered in his Evangel, and do communicate with the holy sacraments, as in the reformed kirks of this realme they are publickly administrate, according to the confession of the faith, to be the only true and holy kirk of Jesus Christ within this realme; without any exception by reason of policie and discipline, declaring only such as eyther gain-say the word of the Evangel according to the heads of the said confession, or refuse the participation of the holy sacraments as they are now ministrated, to be no members of the said kirk so long as they keep themselves so divided from the societie of Christs body. Whereby it is manifest, that it was not the said reformers minde to exclude any from that societie by reason of discipline, and that they did not at that time innovate or change any thing in that policie they found in the said kirk before the reformation.*

This is likewise evident by the oath to be ministered to the king at his coronation, by the eighth act of the said parliament, wherby he is to swear to maintain the true religion of Jesus Christ, the preaching of his holy word and due and right ministrations of the sacraments now received and preached within this realm, and shall abolish and gain-stand all false religion contrary to the same; without swearing to any innovation of policie and discipline of the kirk.

Secondly,

Secondly, it doth evidently appear by these subsequent acts of parliament, that by the municipall law of this realme archbishops and bishops was not only allowed in the kirk, but also had jurisdiction and authority to governe the same.

First, by the 24. act of the said parliament, whereby *all civill priviledges granted by our soveraigne Lords predecessors to the spirituell estate of this realme, are ratified in all points after the form and tenor thereof.* And by the 35. act of the parliament 1571. whereby all and whatsoever acts and statutes made of before by *our soveraigne Lord and his predecessors anent the freedome and liberty of the true kirke of God, are ratified and approved.*

By the 46. act of the parliament 1572. whereby it is declared, that archbishops and bishops have the authority, and are ordained to convene and deprive all inferiour persons being ministers, who shal not subscribe the articles of religion, and give their oath for acknowledging and recognoscing of our soveraigne Lord and his authority, & bring a testimoniall in writing thereupon within a moneth after their admission.

By the 48. act of the same parliament, whereby it is declared, that archbishops and bishops have authority at their visitations to designe ministers gleibes.

By the 54. act of the said parliament, whereby archbishops and bishops are authorized to nominate and appoint at their visitations, persons in every parochin for making and setting of the taxation, for upholding and repairing of kirks and kirk-yards, and to convene, try, and censure all persons that shall be found to have applied

to their own use the stones, timber, or any thing else pertaining to kirks demolished.

5. By the 55. act of the parliament 1573. whereby archbishops and bishops are authorized to admonish persons married, in case of desertion, to adhere, and in case of disobedience, *to direct charges to the minister of the parochin to proceed to the sentence of excommunication.*
6. By the 63. act of the parliament 1578. whereby bishops, and where no bishops are provided, the Commissioner of diocesses, have authority to try the rents of hospitals, and call for the foundations thereof.
7. By the 69. act of the parliament 1579. whereby the jurisdiction of the kirk is declared *to stand in preaching the word of Jesus Christ, correction of manners, and administration of the holy sacraments*; and yet no other authority nor office-bearer allowed and appointed by act of parliament, nor is allowed by the former acts; but archbishops and bishops intended to continue in their authority, as is clear by these acts following.
 1. First, by the 71. act of the same parliament, whereby persons returning from their travels are ordained, within the space of twenty daies after their return, *to passe to the bishop, superintendent, commissioner of the kirks* where they arrive and reside, and there offer to make and give a confession of their faith, or then within fourtie daies to remove themselves forth of the realme.
 2. By the 99. act of the parliament 1581. whereby the foresaids acts are ratified and approved.
 3. By the 130. act of the parliament 1584. whereby it is ordained,

ordained, that none of his Majesties lieges & subjects presume or take upon hand to impugn the dignitie and authoritie of the three estates of this kingdome, whereby the honour and authority of the Kings Majesties supreme court of parliament, past all memorie of man, hath been continued, *or to seek or procure the innovation or diminution of the power and authoritie of the same three estates, or any of them in time coming under the pain of treason.*

By the 131. act of the same parliament, whereby all judgements and jurisdictions as well in spirituall as temporall causes, in practice and custome, during these twenty four years by-past not approved by his Highnesse and three Estates in parliament, are discharged: and whereby it is defended, *That none of his highnes subjects of whatsoever qualitie, estate, or function they be of, spirituall or temporall, presume, or take upon hand to convocate, convene, or assemble themselves together for holding of counsels, conventions, or assemblies, to treat, consult, or determinate in any matter of estate, civill or ecclesiasticall (except in the ordinary judgements) without his Majesties speciall commandment, or expresse licence had and obtained to that effect.*

By the 132. act of the said parliament, authorizing bishops to try and judge ministers guilty of crimes meriting deprivation.

By the 133. act of the same parliament, ordaining Ministers exercising any office beside their calling to be tried and adjudged culpable by *their Ordinaries.*

By the 23. act of the parliament 1587. whereby all acts made by his highnesse, or his most noble progenitors

genitors anent the kirk of God, and religion presently professed, are ratified.

8. By the 231. act of the parliament 1597. bearing, *That our soveraigne Lord and his highnesse estates in parliament, having speciall consideration of the great priviledges and immunities granted by his highnesse predecessors to the holy kirk within this realme, and to the speciall persons exercising the offices, titles, and dignities of the prelates within the same. Which persons have ever represented one of the estates of this realm in all conventions of the saide estates; and that the saide priviledges and freedoms have been from time to time renewed and conserved in the same integritie wherein they were at any time before. So that his Majestie acknowledging the same to be fallen now under his Majesties most favourable protection, therefore his Majesty with consent of the estates declares, that the kirk within this realm, wherein the true religion is professed, is the true and holy kirk: And that such ministers as his Majestie at any time shall please to provide to the office, place, title, and dignitie of a bishop, &c. shall have vote in parliament, sicklike and als freely as any other ecclesiasticall prelate had at any time by-gone. And also declares, that all bishopricks vaicking, or that shall vaick, shall be only disposed to actuall preachers and ministers in the kirk, or such as shall take upon them to exerce the said function.*

9. By the 2. act of the parliament 1606. whereby *the ancient and fundamentall policie, consisting in the maintenance of the three estates of parliament, being of late greatly impaired and almost subverted, especially by the indirect abolishing of the estate of bishops by the*
act

act of annexation : Albeit it was never meant by his Majesty, nor by his estates, that the said estate of bishops, being a necessary estate of the parliament, should any wayes be suppressed; yet by dismembring and abstracting from them of their livings being brought in contempt and povertie, the said estate of bishops is restored, and redintegrate to their ancient and accustomed honour, dignities, prerogatives, priviledges, lands, teindes, rents, as the same was in the reformed kirk, most amply and free at any time before the act of annexation; rescinding and annulling all acts of parliament made in prejudice of the saids bishops in the premisses, or any of them, with all that hath followed, or may follow thereupon, to the effect they may peaceably enjoy the honours, dignities, priviledges, and prerogatives competent to them or their estate since the reformation of religion.

By the 6. act of the 20. parliament, declaring that archbishops and bishops are redintegrate to their former authority, dignitie, prerogative, priviledges and jurisdictions lawfully pertaining and shall be known to pertain to them, &c. 10.

By the 1. act of the parliament 1617. ordaining archbishops and bishops to be elected by their Chapters, and no other wayes, and consecrate by the rites and order accustomed. 11.

FINIS.

1. The first part of the book is devoted to a general
history of the country, and to a description of the
climate, soil, and natural resources.

2. The second part of the book is devoted to a
description of the principal cities, towns, and villages,
and to a history of the principal events of the country.

3. The third part of the book is devoted to a
description of the principal rivers, lakes, and mountains,
and to a history of the principal events of the country.

4. The fourth part of the book is devoted to a
description of the principal ports, harbors, and shipping,
and to a history of the principal events of the country.

5. The fifth part of the book is devoted to a
description of the principal manufactures, commerce,
and to a history of the principal events of the country.

6. The sixth part of the book is devoted to a
description of the principal institutions, and to a
history of the principal events of the country.

7. The seventh part of the book is devoted to a
description of the principal literature, and to a
history of the principal events of the country.

8. The eighth part of the book is devoted to a
description of the principal art, and to a history of
the principal events of the country.

AN
ANSWER TO THE
PROFESSION AND
DECLARATION.

MADE BY JAMES MARQUES OF
HAMILTON, HIS MAJESTIES
HIGH COMMISSIONER,

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